



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,991	03/26/2004	Rodney Milbourne	0275L-717CPA	9611

27572 7590 04/26/2005

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

MEISLIN, DEBRA S

ART UNIT PAPER NUMBER

3723

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,991

Applicant(s)

MILBOURNE ET AL.

Examiner

Debra S Meislin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubiel (4513827) in view of Maurer (UK1014081).

Dubiel discloses all of the claimed subject matter except for the drive bit being in the form of an anvil. Dubiel discloses a drive bit having a round body, a square head, angled faces formed at intersections of the sides, and concave reliefs formed in corner portions (and in the angled faces or intersections) of the square head. Note figures 2, 5 and 7. Maurer discloses a drive bit being in the form of an anvil having a round body and a square head. It would have been obvious to one having ordinary skill in the art to form the drive bit of Dubiel as an anvil to enable the device to be used as an impact wrench as taught by Maurer.

Art Unit: 3723

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubiel (4513827) in view of Maurer (UK1014081) as applied above, in further view of Chaconas (5910197).

Dubiel discloses a tapered stop in alignment with the reliefs (the circumferential tapered portion located between the round body and the square head as seen in figures 2, 5 and 7). Chaconas discloses plural stops "16" for engagement with a socket. Note figures 14 and 15C. It would have been obvious to one having ordinary skill in the art to form the stop of Dubiel as plural stops to reduce shear and bending stresses in a critical area as taught by Chaconas.

5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubiel (4513827) in view of Maurer (UK1014081) as applied above, in further view of Figure 2 of the instant application.

Figure 2 of the instant application includes a role pin hole and a roll pin perpendicularly located in the head of an anvil/drive bit. Figure 2 of the instant application is admitted prior art by applicant. It would have been obvious to one having ordinary skill in the art to form the device of Dubiel with a role pin hole to enable a roll pin to be received as taught by Figure 2 of the instant application.

6. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubiel (4513827) in view of Maurer (UK1014081) as applied above, in further view of Chaconas (5910197) or Figure 2 of the instant application.

Dubiel and Maurer disclose devices for use with an accessory such as a wrench but does not specifically show the accessory. Though the examiner takes Official notice

Art Unit: 3723

that it is old and well known in the art to use impact or rotary tools with a wrench socket, Chaconas or Figure 2 of the instant application will be applied to the rejection of the claims as disclosing the use of a wrench socket with an impact or rotary tool. It would have been obvious to one having ordinary skill in the art to provide the device of Dubiel with an accessory/socket wrench to enable the engagement of a rotatable workpiece as taught by Chaconas or Figure 2 of the instant application.

With respect to claim 16, Figure 2 of the instant application discloses a detent pin hole. Figure 2 of the instant application is admitted prior art by applicant. It would have been obvious to one having ordinary skill in the art to form the device of Dubiel with a detent pin hole to receive a detent pin as taught by Figure 2 of the instant application.

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: proper antecedent basis must be provided for “corner portions” as set forth in the claims.

8. Response to applicant's remarks:


Applicant contends that the claims are equivalent in scope with the originally filed claims and that the amendment does not constitute a narrowing amendment. The examiner respectfully disagrees. The amended claims are not equivalent in scope with the originally filed claims and the amendment does constitute a narrowing amendment. Note, for example, “reliefs formed in corner portions”.

Art Unit: 3723

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Debra S Meislin
Primary Examiner
Art Unit 3723

April 21, 2005